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RONALD A. KOVLER\*  
BRAD S. RUSH\*  
Brad@KovlerRush.com  
\*ALSO MEMBER NJ BAR

OF COUNSEL  
LEWIS JAY GORDON  
CHARLES J. GEFFEN

April 5, 2019

Two Mitts, Inc.  
600 Plastics Place  
Kalamazoo, MI 49001

**Re: Jerame Johnson vs. Fabri-Kal Corporation, et al.  
CCP, Philadelphia County; No.: 190400619**

Dear Sir or Madam:

Enclosed please find a true and correct copy of a Civil Action Complaint which has been filed against you with regard to the above captioned matter in the Court of Common Pleas of Philadelphia County. I would suggest that you kindly forward these documents to counsel as soon as possible.

Thank you for your attention to this matter.

Very truly yours,

*Brad S. Rush / hm*

BRAD S. RUSH

BSR/hm  
Enclosures

**Via Certified Mail/RRR – 7014 3490 0000 7868 7709  
& Regular Mail**



Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**APRIL 2019****000619**

E-Filing Number: 1904007813

PLAINTIFF'S NAME JERAME JOHNSON		DEFENDANT'S NAME FABRI-KAL CORPORATION	
PLAINTIFF'S ADDRESS 12 ROSE AVENUE ROUSES POINT NY 12979		DEFENDANT'S ADDRESS 600 PLASTICS PLACE KALAMAZOO MI 49001	
PLAINTIFF'S NAME		DEFENDANT'S NAME JASON G. DEITER	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 23 W. BEATTY AVENUE WILKES BARRE PA 18705	
PLAINTIFF'S NAME		DEFENDANT'S NAME TWO MITTS, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 600 PLASTICS PLACE KALAMAZOO MI 49001	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
		FILED PRO PROTHY APR 03 2019 M. BRYANT	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>JERAME JOHNSON</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY BRAD S. RUSH		ADDRESS 123 SOUTH BROAD STREET SUITE 2250 PHILADELPHIA PA 19109	
PHONE NUMBER (215) 735-5476	FAX NUMBER (215) 735-9057		
SUPREME COURT IDENTIFICATION NO. 72896		E-MAIL ADDRESS brad@kovlerrush.com	
SIGNATURE OF FILING ATTORNEY OR PARTY BRAD RUSH		DATE SUBMITTED Wednesday, April 03, 2019, 11:01 am	

FINAL COPY (Approved by the Prothonotary Clerk)

THIS IS A NON-JURY MATTER  
ASSESSMENT OF DAMAGES IS REQUIRED

Filed and Attested by the  
Official Records  
03 APR 2019 11:01 am  
M. BRYANT

KOVLER & RUSH, P.C.  
BY: BRAD S. RUSH, ESQUIRE  
IDENTIFICATION NO.: 72896  
123 South Broad Street, Suite 2250  
Philadelphia, Pennsylvania 19109  
(215)735-5476

Attorney for Plaintiff

JERAME JOHNSON  
12 Rose Avenue  
Rouses Point, NY 12979

COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY  
CIVIL ACTION – LAW

v.

FABRI-KAL CORPORATION  
600 Plastics Place  
Kalamazoo, MI 49001

NO.:

and  
JASON G. DEITER  
23 W. Beatty Avenue  
Wilkes Barre, PA 18705

and  
TWO MITTS, INC.  
600 Plastics Place  
Kalamazoo, MI 49001

# NOTICE TO DEFEND

## NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. *You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
1101 Market Street  
Philadelphia, PA 19107  
215-238-6333  
TTY 215-451-6197

## AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted. *Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion De Licenciados De Filadelfia  
Servicio De Referencia E  
Informacion Legal  
1101 Market Street  
Philadelphia, PA 19107  
215-238-6333  
TTY 215-451-6197

**THIS IS A NON-JURY MATTER  
ASSESSMENT OF DAMAGES IS REQUIRED**

**KOVLER & RUSH, P.C.**  
**BY: BRAD S. RUSH, ESQUIRE**  
**IDENTIFICATION NO.: 72896**  
**123 South Broad Street, Suite 2250**  
**Philadelphia, Pennsylvania 19109**  
**(215)735-5476**

**Attorney for Plaintiff**

<b>JERAME JOHNSON</b>	:	<b>COURT OF COMMON PLEAS</b>
<b>12 Rose Avenue</b>	:	<b>OF PHILADELPHIA COUNTY</b>
<b>Rouses Point, NY 12979</b>	:	<b>CIVIL ACTION – LAW</b>
<b>v.</b>	:	
<b>FABRI-KAL CORPORATION</b>	:	
<b>600 Plastics Place</b>	:	
<b>Kalamazoo, MI 49001</b>	:	
<b>and</b>	:	<b>NO.:</b>
<b>JASON G. DEITER</b>	:	
<b>23 W. Beatty Avenue</b>	:	
<b>Wilkes Barre, PA 18705</b>	:	
<b>and</b>	:	
<b>TWO MITTS, INC.</b>	:	
<b>600 Plastics Place</b>	:	
<b>Kalamazoo, MI 49001</b>	:	

**CIVIL ACTION COMPLAINT**  
**2V- MOTOR VEHICLE ACCIDENT**

**COUNT I**

**JERAME JOHNSON v. FABRI-KAL CORPORATION and**  
**JASON G. DEITER and TWO MITTS, INC.**  
**(Bodily Injury)**

1. Plaintiff, Jerame Johnson, is an adult individual residing at the above-captioned address.
2. Defendant, Fabri-Kal Corporation, is a corporation and/or other business entity which regularly conducts business in the City of Philadelphia and Commonwealth of Pennsylvania and has a principal place of business at the above captioned address.
3. Defendant, Jason G. Deiter, is an adult individual residing at the above-captioned address and was an employee of Defendant, Fabri-Kal Corporation.

4. Defendant, Two Mitts, Inc., is a corporation and/or other business entity which regularly conducts business in the City of Philadelphia and Commonwealth of Pennsylvania and has a principal place of business at the above captioned address.

5. On or about June 2, 2017, at approximately 9:30 a.m., Plaintiff, Jerame Johnson, was operating a 2007 Eagle Harvester, owned by Just In Time Express, Inc., which was traveling North on Oakhill Road, Wright Township, Pennsylvania.

6. At the aforesaid time and place, Defendant, Jason G. Deiter, was the operator of a 2014 Freight Liner owned by Defendant, Fabri-Kal Corporation and/or Defendant, Two Mitts, Inc., which was traveling southbound on Oakhill Road, Wright Township, Pennsylvania.

7. At all times relevant hereto, Defendant, Jason G. Deiter, was in the course and scope of his employment as a driver for Defendant, Fabri-Kal Corporation and/or Defendant, Two Mitts, Inc., and was operating said vehicle within the scope and authority of Defendant, Fabri-Kal Corporation and/or Defendant, Two Mitts, Inc.

8. At the aforesaid time and place, due to the negligence, carelessness and recklessness of defendants (more fully hereinafter described), Plaintiff, Jerame Johnson, was caused to sustain severe personal injuries (more fully hereinafter described) when the driver's side trailer door of the defendants' truck came unlatched striking plaintiff's vehicle.

9. As a result of the aforementioned accident and negligence of defendants, plaintiff suffered injuries to and about his body, including but not limited to facial laceration, neck laceration, laceration to the left cheek requiring sharp excision using scalpel and scissors and surgical repair, permanent scarring; all or some of which may be serious and/or permanent in nature.

10. As a result of the aforementioned injuries, plaintiff has been and probably will in the future be unable to attend to his daily and usual duties much to his great financial detriment and loss.

11. As a further result of the aforementioned injuries, plaintiff has incurred and will continue to incur obligations for medical and other expenses as a result of the aforesaid accident.

12. As a further result of the accident, plaintiff has suffered severe physical pain, mental anguish, humiliation, emotional upset, anxiety and depression and he may continue to suffer same for an indefinite time in the future.

13. The aforesaid accident and resulting injuries to plaintiff was caused as a direct and proximate result of the negligence of defendants, jointly and severally, which consisted of the following:

- a. striking plaintiff's vehicle;
- b. failing to keep a proper distance from plaintiff's vehicle;
- c. failing to yield to plaintiff's vehicle;
- d. failing to give proper and sufficient warning of the approach of said vehicle;
- e. failing to have his/her/their vehicle under proper and adequate control;
- f. failing to keep a proper lookout for other motor vehicles on the highway, including plaintiff's vehicle;
- g. failing to operate his/her/their motor vehicle according to the applicable ordinances and the statutes of the Commonwealth of Pennsylvania;
- h. operating his/her/their motor vehicle at an excessive rate of speed under the circumstances;
- i. failing to respect the rights, position and safety of the plaintiff;
- j. permitted operation of their motor vehicle by an individual who was not properly and adequately trained in the operation of same;
- k. failed to properly train or to ensure proper training of the operation of their vehicle or to warn of the lack of proper training of operation of their vehicle;
- l. failing to maintain his/her/their vehicle and its component parts in excellent condition and proper working order;

- m. failing to properly secure the rear cargo doors of trailer;
- n. any and all acts of negligence which may be discovered pursuant to the Pennsylvania Rules of Civil Procedures.

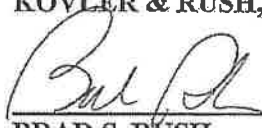
14. The negligent acts and/or omissions of the defendants were the cause or a substantial factor in causing the injuries and damages which plaintiff sustained.

WHEREFORE, Plaintiff, Jerame Johnson, demands judgment against Defendants, Fabrikal Corporation and Jason G. Deiter and Two Mitts, Inc., jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

Date: 4-2-19

BY:

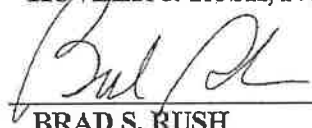
KOVLER & RUSH, P.C.

  
BRAD S. RUSH  
Attorney for Plaintiff

VERIFICATION

The undersigned, being duly sworn according to law, deposes and says that he is counsel for the party or parties indicated on the preceding pages as being represented by said counsel, that he has examined the pleading and the entire investigative file made on behalf of said party or parties, that he is taking this verification to assure compliance with the pertinent rules pertaining to timely filing of pleading and other documents described by said rules; and the facts set forth in the foregoing documents are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4940 relating to unsworn falsification to authorities.

Date: 4-2-19

KOYDER & RUSH, P.C.  
BY:   
BRAD S. RUSH  
Attorney for Plaintiffs